

ORIGINAL

BEFORE THE  
Federal Communications Commission

WASHINGTON, D.C.

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In the Matter of )  
)  
Advanced Television Systems )  
and Their Impact upon the )  
Existing Television Broadcast )  
Service )

MM Docket No. 87-268

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FEDERAL COMMUNICATIONS  
COMMISSION  
OFFICE OF SECRETARY

To: The Commission

**REPLY COMMENTS OF  
NATIONAL MINORITY T.V., INC.**

National Minority T.V., Inc. ("NMTV") by its attorney, hereby submits its Reply Comments concerning the Sixth Further Notice of Proposed Rule Making in the above-referenced proceeding, FCC 96-317, released August 14, 1996.

1. NMTV is a nonprofit non-stock minority owned company which is the licensee of television Station KNMT(TV), Channel 24, Portland, Oregon and is also the licensee of numerous television translator stations located throughout the country. Three of NMTV's four directors are minorities - two African Americans and one Hispanic American. Moreover, NMTV's President (and director) is a female as well as an African American. NMTV is one of a small number of minority owned licensees in this country.

2. As a UHF broadcaster, NMTV shares the concerns that are being raised in the Reply Comments filed by other UHF broadcasters. The current digital television ("DTV") allotment plan creates power disparities that will give the former VHF stations huge advantages over the former UHF stations in the digital world. NMTV understands that the Broadcasters'

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Caucus has agreed with certain UHF broadcasters on an approach that will resolve these disparities. The approach contemplates a trial period of approximately two years during which UHF stations would be permitted to operate at double the power assigned in the Table while present VHF stations would operate at lower power than that originally proposed so that the relative competitive position of the stations could be assessed by an independent technical advisory group. That group would then make recommendations to the Commission concerning adjustments to DTV power levels. NMTV endorses this proposal and believes that it will address the significant problems that would otherwise arise. NMTV's audience includes many minorities in the Portland, Oregon area as well as residents who are economically disadvantaged. If the DTV power levels of present UHF stations are inferior to those of present VHF stations in the new DTV environment, NMTV's viewers will lose KNMT's signal. Many of these viewers do not have the resources to purchase expensive receivers or new high-end outdoor antennas to receive their television programming. Accordingly, the joint recommendations concerning an implementation schedule for DTV which permits a period of adjustment is a sensible approach to fairly allocating DTV licenses.

3. NMTV is likewise very concerned about the Commission's proposal to recover Channels 60-69. This proposal will severely impact NMTV which has a number of TV translators on those channels. Moreover, NMTV respectfully submits that while the change to DTV is being implemented, Channels 60-69 should remain available to provide the Commission with greater flexibility in channel allotments.

4. As the Community Broadcasters Association ("CBA") has pointed out in its Comments filed November 22, 1996, the LPTV/TV translator industry serves a unique function. It is the broadcast service with the highest minority ownership; it provides a stepping-stone

toward ownership of full power stations; and it serves small communities. This service should not be disrupted. If at all possible, the Commission should make certain that existing LPTV and TV translator licensees are not displaced. This should include incentives to DTV stations and cable systems to accommodate LPTV/TV translator stations. If some displacement occurs, frequencies should be set aside for displaced stations. LPTV/TV translator stations should also be permitted to file non-window applications to change operating parameters to cure or prevent interference caused to or received from a DTV station or other protected service. Terrain shielding and other appropriate engineering factors should be taken into account in finding replacement channels. TV translator licensees should be compensated for their existing investment or for moving to another channel if such a move is possible. As CBA has suggested, such compensation should come out of auction revenues if auctions are held. If other broadcasters are the source of compensation, the Commission should mandate the escrow of reimbursement funds and adopt other safeguards to avoid the kinds of problems that have traditionally plagued broadcasters seeking reimbursement for channel changes. Finally, CBA has urged the Commission to revisit the entire issue of secondary status and permit LPTVs to migrate to digital service. If the Commission adopts this concept, it should provide a period of time in which TV translators are given the opportunity to initiate local programming to gain the same benefit.

In sum, NMTV urges the Commission to carefully consider the interests of UHF broadcasters and the LPTV/TV translator industry in arriving at its final decisions in the DTV rule making so as not to adversely affect minorities and small broadcasters.

Respectfully submitted,

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Dated: January 24, 1997

## CERTIFICATE OF SERVICE

I, Margie Sutton Chew, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., do hereby certify that true copies of the foregoing **"REPLY COMMENTS OF NATIONAL MINORITY T.V., INC."** served on this 24th day of January, 1997, by hand-delivery to the following:

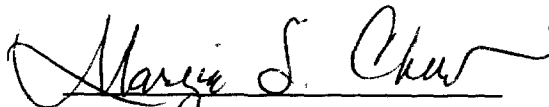
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